

Medical Advisory Committee

September 21, 2021

Tennessee Room, 220 French Landing Drive, Nashville, Tennessee, 37243
Alternative Via Teams

The meeting is held in the Tennessee Room with telephone and virtual options available. The use of the virtual platform is a benefit to the public, allowing participation of out-of-state stakeholders and others interested in the subjects of this meeting. Under the present restrictions on determining the vaccination status of the in-person participants, the limitations of masking and distancing, it is necessary for establishment of a quorum that the members have the virtual option available. The committee rules provide for the members to be counted as present for the determination of a quorum (see rule 0800-02-23-.04 (2-3)).

Members:

Rob Behnke, Cracker Barrel
Misty D. Williams, Travelers
David Tutor, MD, Occ Med
John Brophy, MD, Neurosurgery
James G. Kyser, MD, Psychiatry
Ginny Howard, Zurich
Keith Graves, DC, Chiropractic
Jeffery Hazlewood, MD, PM&R
Dan Headrick, PT, CEAS III, ASTYM, BS
Lisa Bellner, MD, PM&R
Cerisia Cummings, DO, Bridgestone
Abbie Hudgens, BWC Administrator
Robert Snyder, MD, Medical Director
James Talmage, MD, Assistant Medical Director

Staff:

Suzy Douglas, RN, BWC
Troy Haley, BWC
Mark Finks, BWC
Suzanne Gaines, BWC

Guests:

Faith Parrish, Vanderbilt
Alex O'Neal, Arbitech Health
Carter Phillips, MNA GR
Tiffany Grzbowski, Health Systems
Jonathan May, Morgan & Morgan
David Price, Preferred Medical
Christopher Chappell, Erie Insurance
Roy Johnson, MD, MTOEM
Becky Morrissey, TMA
Victoria Riordan, AMA
Carla Townsend, NCCI

Call to Order

The meeting was called to order at 1:05 PM by the Chair, Dr. Tutor.

Quorum

A quorum was confirmed as present (12/15 members present -1/3 needed).
Introductions were made.

Approval of Minutes

Minutes from the 7/6/2021 meeting were approved with an addendum, read by Dr. Snyder.

Any delinquent Conflict of Interest forms were requested to be completed and returned to Suzy Douglas.

Dr. Snyder announced that the names of two former committee members, Dr. Holcomb and Mr. Blaine, have been removed from the website.

Dan Headrick was welcomed as a new member to the Medical Advisory Committee.

Old Business

ODG Updates:

There were no ODG updates this session. Most of the work of updates and revisions has been completed. Patrick Robinson is the ODG coordinator and will be at the Annual Educational Conference. The Updated Formulary for October will be posted.

The next Education Conference will (so far) be "in person", with a virtual option but not live.

AMA:

The AMA has allowed committee members to have full access for two weeks to the chapters for mental health and table changes of the AMA Guide 6 Edition 2021. Suzy Douglas emailed the link to the committee members.

On October 5th, at 1:00, there will be a special meeting to discuss AMA Guide 6th Edition and make recommendations. The AMA has made the decision to make changes each year and will go forward into the years 2022 and 2023.

The committee will vote on recommendations; members can send their proxy for the meeting to Dr. Tutor.

TeleHealth Update:

Mark Finks presented the Telehealth rules approved through committee, effective 10/19/2021.

Medical Fee Schedule:

Rules updated for the medical fee schedule, effective 9/22/2021. Rules for medical payment are effective 9/26/2021. The handbook is currently updated with these notification dates.

Muscle Relaxants:

Drs. Hazlewood, Bellner and Talmage emailed responses concerning their thoughts on the status of muscle relaxers. Use of these drugs affect a group of patients who need the drugs for reasons other than muscle spasms. The recommendation to the ODG might address limited circumstances in which baclofen and Zanaflex could be used if other drugs don't work. Dr. Snyder noted that there is no supporting literature or FDA approval.

Dr. Snyder asked if there was enough support to make a recommendation to ODG? Without the science, he will send a link to the ODG to Drs. Hazlewood and Bellner for their individual suggestions to ODG.

Rules Update:

The UR Rule-making hearing will be live on 10/23/2021 but will have a call-in option.

UR Report:

Dr. Snyder reported a slight drop in UR appeals filed. Patient's attorneys are filing over 50% of the UR's. Mr. Mays remarked that attorneys like to defer to physicians for the initially filing of an appeal as far as they will communicate with the attorneys.

REWARD:

Reward Program has its sixth presentation on 9/23/2021 at 9:30.

There have been good responses from employers and other parties. The Reward Employer group is a support group for employers to talk about getting employees back to work.

The first Reward Report (bimonthly newsletter) has gone out. Brian Holmes wrote an article and will do it every other month, starting in October, and continuing from there.

The first meeting is for getting acquainted and will discover some of the issues for employers.

The development of the *Certified Physician Program* continues, and participant sign-up is at the website.

COVID Update:

Knox county has had more deaths this month than this month last year.

There were more hospitalizations this wave than last winter. Many have a higher acuity of COVID.

Twenty-four Petitions for Benefit Determination (PBDs) have been filed with the Bureau. Six have gone to be certified with a Dispute Certification Notice (DCNs). Three were dismissed by the court at a hearing stage. Three cases remain active and are being developed for trial. About thirty-one settlements for COVID claims were signed off by the court.

First reports were filed with limited number of actions coming through the Bureau. It appears that insurers and TPA's are handling these without creating disputes.

Minnesota is similar with claims.

Abbie Hudgens pointed out that Tennessee's COVID claims rank pretty much in the middle compared to all of the other states' COVID claims.

New Business

Venue:

The agenda for meetings held in the Tennessee Room allow for the option of virtual participation for people out of state as well as other reasons. Committee members can also participate.

PBMs:

Public chapter 569 (2021) does not allow the pharmacy benefits manager to interfere with a patient's right of choice between providers if they are under contract. There is no specific application to worker's compensation. The committee may find the law on the Secretary of State's website.

Dr. Kyser questioned how pharmacies are allowed charge for workers' compensation cases? Pharmacies charge what they are allowed, which can be 10 to 20 times. This should be investigated. Dr. Snyder put pharmacy pricing on the agenda for the next meeting.

There was discussion of which physician specialties are seeing the bulk of injured workers recovering from Covid.

Permanent Impairment—At the October 16th conference , Dr. Talmage is speaking.
Occupational and Environmental medicine
Official recommendations—British guidelines will be reviewed 10/16.

How do you do impairment ratings on COVID cases? The [Admirable Review](#) addresses the question in an article.

Announcement

Next Meeting

Special Called Meeting: Tuesday, October 5, 2021 1:00 PM CDT
for AMA 6th Edition 2021 Guidelines discussion

Following Meeting: Tuesday, December 28, 2021, 1:00 CST.

Adjournment

Dr. Tutor adjourned the meeting at 2:09 PM, CDT.